

**BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF CALIFORNIA**



**FILED**

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Order Instituting Rulemaking to Implement the  
Commission's Procurement Incentive  
Framework and to Examine the Integration of  
Greenhouse Gas Emissions Standards into  
Procurement Policies

R.06-04-009

**APPLICATION FOR REHEARING, OR  
IN THE ALTERNATIVE,  
PETITION FOR MODIFICATION OF  
THE ENERGY PRODUCERS AND USERS COALITION AND  
THE COGENERATION ASSOCIATION OF CALIFORNIA**

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February 26, 2007

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The Energy Producers and Users Coalition<sup>1</sup> and the Cogeneration Association of California<sup>2</sup> (EPUC/CAC) hereby move pursuant to Rule 16.1 for rehearing of the *Interim Opinion on Phase I Issues*, Decision 07-01-039 ("the Decision"), issued by the Commission in this matter on January 25, 2007. Alternatively, EPUC/CAC move for modification of the Decision pursuant to Rule 16.4.

**I. INTRODUCTION AND SPECIFICATION OF ERROR**

The Decision should be revised to provide a rational and reasonable method for calculating the carbon emissions of a bottoming-cycle cogeneration plant. The Decision is based on the assumption that a bottoming-cycle plant has "useful thermal output." Unlike topping-cycle cogeneration plants which produce thermal energy and electricity,

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<sup>1</sup> EPUC is an ad hoc group representing the electric end use and customer generation interests of the following companies: Aera Energy LLC, BP America Inc. (including Atlantic Richfield Company), Chevron U.S.A. Inc., Shell Oil Products US, THUMS Long Beach Company, and Occidental Elk Hills, Inc.

<sup>2</sup> CAC represents the power generation, power marketing and cogeneration operation interests of the following entities: Coalinga Cogeneration Company, Mid-Set Cogeneration Company, Kern River Cogeneration Company, Sycamore Cogeneration Company, Sargent Canyon Cogeneration Company, Salinas River Cogeneration Company, Midway Sunset Cogeneration Company and Watson Cogeneration Company.

bottoming-cycle plants only produce an industrial commodity and electricity; they do not necessarily produce a useful thermal output in order to qualify as bottoming-cycle units. All of the energy input into the process is required for the production of the industrial commodity. From the production of that commodity, there is waste heat which the cogeneration facility captures to generate electricity. There is generally no useful thermal energy output of a bottoming-cycle plant, and the formula for calculating emissions from a cogenerator does not work for bottoming-cycle units. Specifically, Findings of Fact 88, 90, 112 and 113 should be revised or deleted.

## **II. DESCRIPTION OF BOTTOMING-CYCLE COGENERATION**

One type of bottoming cycle cogeneration unit has been developed in conjunction with calcining facilities, and is used as an example in this pleading. Calcining processes the petroleum coke which is a residual product from petroleum refining. The petroleum coke is heated and converted into a carbonate product which can be used in other industrial processes. The heat produced by calcining may be exhausted to the atmosphere as waste heat. Cogeneration captures that waste heat and uses it to generate electricity. Attached as Exhibit A is the process diagram for the BP Calciner at Wilmington, a bottoming cycle cogeneration facility. This was submitted to FERC as part of BP's certification of the calciner as a Qualifying Facility under PURPA.<sup>3</sup>

The right hand side of the diagram identifies the inputs to the kiln where the calcining occurs. In this case, the inputs are petroleum coke and 14.83 MMBtu/hr of natural gas. Part of the coke also burns when heated in the kiln and provides an additional 401.25 MMBtu/hr to the calcining process. Hot flue gas exits from the kiln.

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<sup>3</sup> QF06-132-000, April 6, 2006.

This is a waste product of the process, and without cogeneration would be exhausted to the atmosphere. Calcining by itself produces no electricity. All of the natural gas input to the calcining process is necessary for the calcining and therefore the carbon emissions from the consumption of the natural gas should be entirely allocated to the industrial process.

Some calciners have added cogeneration technology. The process diagram for the BP Wilmington Calciner shows that the hot flue gas is then routed through a waste heat boiler, producing steam. The steam drives a steam turbine generator (STG) producing a total of 35 MW of electricity.

This diagram illustrates that all of the energy input to the process is consumed in calcining coke and producing a coke product. All of the natural gas is consumed in the calcining process regardless of whether the waste heat is subsequently utilized to generate electricity. There is no useful thermal energy output to an industrial process. The next section discusses the impact of these facts on the calculation of carbon emissions.

### **III. THE DECISION SHOULD INCLUDE AN ACCURATE COGENERATION CALCULATION FOR BOTTOMING-CYCLE FACILITIES**

The Decision adopts a methodology for calculating the carbon emissions of a cogeneration facility using the total energy output of the facility both in electricity and thermal energy. As the Commission states in the Decision, the thermal output used in the calculation must be the “useful thermal output” as defined by FERC. FERC’s definition of “useful thermal energy” and its treatment of bottoming-cycle cogeneration illustrates why the application of the Decision to bottoming-cycle units is unworkable.

FERC defines “useful thermal energy output” in 18 CFR §292.202 only for a topping cycle cogeneration facility. It does not define the term for a bottoming-cycle facility, because FERC recognized that a bottoming-cycle facility need not have a useful thermal output in order to qualify. Exhibit B is the certification filed at FERC by the BP Wilmington Calciner,<sup>4</sup> and in Section 11 where the form requests “useful thermal energy output” the response is “none.”

Further, in 18 CFR §292.205, FERC sets both operating and efficiency standards for cogenerators to be certified as qualifying facilities under PURPA. The operating standard requires a minimum percentage of the total energy output to be in the form of thermal energy output. The standard in §292.205(a)(1) only applies to topping-cycle facilities. There is no operating standard requiring a minimum thermal energy output for bottoming-cycle facilities.

The efficiency standard requires the energy output to exceed a certain percentage of the energy input. For topping cycle units, the efficiency is determined based on both thermal and power outputs. But for bottoming-cycle units, there is an efficiency standard only for those units with gas-fired supplemental firing, and that efficiency standard is determined based only on the power output. In both of these standards, FERC recognizes that apart from the production of an industrial commodity, a bottoming-cycle plant only produces electricity, and there is generally no useful thermal output.

The lack of useful thermal output renders unworkable the formula in the Decision for calculating cogeneration emissions. The Decision adopts a formula for calculating the emission rate of a cogenerator using both the thermal and electrical energy outputs:

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<sup>4</sup> Filed in Docket QF06-132-000, April 6, 2006.

**TOTAL GHG EMISSIONS FROM COGENERATION FACILITY**  
**KWH ELECTRICITY + BTU THERMAL ENERGY (expressed in kWh)<sup>5</sup>**

This formula does not readily apply to bottoming-cycle plants because such plants do not have “useful thermal output.” The Decision relies on FERC’s definition of “useful thermal energy output” as:

*(h) Useful thermal energy output of a topping-cycle cogeneration facility means the thermal energy:*

- (1) That is made available to an industrial or commercial process (net of any heat contained in condensate return and/or makeup water);*
- (2) That is used in a heating application (e.g., space heating, domestic hot water heating); or*
- (3) That is used in a space cooling application (i.e., thermal energy used by an absorption chiller).<sup>6</sup>*

First, it is critical to note that FERC defines useful thermal output only for topping-cycle plants; there is no definition for bottoming-cycle plants. Second, the terms of the definition clearly exclude bottoming-cycle plants because such plants do not provide thermal energy to an industrial process or for space conditioning. Finding of Fact 112 should be deleted because the cogeneration calculation cannot be applied rationally to bottoming-cycle units even if the order of calculation is reversed.

If bottoming-cycle plants were forced to use the formula, there would be no amount of thermal energy included in the denominator. The result would be that the total emissions from the calcining operation would be assigned to the electricity

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<sup>5</sup> *Interim Decision*, § 4.9.1.1, p. 105.

<sup>6</sup> 18 CFR § 202(h). FERC regulations also refer to “useful thermal energy” in defining bottoming-cycle cogeneration facilities as follows: “Bottoming-cycle cogeneration facility means a cogeneration facility in which the energy input to the system is first applied to a *useful thermal energy* application or process, and at least some of the reject heat emerging from the application or process is then used for power production. (18 CFR § 292.202(e), emphasis added.) Cited in *Interim Decision*, p. 111.

generation. Because the emissions would be produced by the calcining operation regardless of whether any electricity was generated, this is an unreasonable result. All of the emissions created by the calcining operation should be assigned to that industrial process.

The Commission should grant rehearing and revise the Decision to provide a reasonable and rational treatment for bottoming-cycle cogeneration. A rational treatment would be to recognize that bottoming-cycle cogeneration, without supplemental firing, does not consume any fuel to generate electricity. This is demonstrated by the diagram in Exhibit A. All fuel is required for the industrial process, such as calcining, and would be consumed whether the generation was taking place or not. The emissions will occur whether an LSE procures electricity from the facility or not, and therefore it is not creating the risk of financial exposure that the EPS was designed to mitigate.

Recognizing that the electricity generation function in a bottoming-cycle unit does not consume any fuel, the Commission could find that this is not the type of “powerplant” the EPS was designed to regulate.<sup>7</sup> The Commission could find that all of the emissions of the facility are attributable to the industrial process, and deem the electrical generation function to comply with the EPS. This would be comparable to the treatment given renewable technologies in the Decision.<sup>8</sup>

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<sup>7</sup> SB 1368 applies the EPS to “powerplants.” Although a bottoming-cycle plant is technically a powerplant because it generates electricity, the Commission could find as a matter of policy that the EPS does not achieve its purpose when applied to such cogeneration. Finding of Fact 88 should be deleted.

<sup>8</sup> *Interim Opinion*, p. 116.

Some bottoming-cycle cogeneration facilities do utilize supplemental firing to produce additional electricity. In such cases, the EPS would be applied only to those emissions attributable to the supplemental firing. The emission rate would require a determination of the additional kilowatt-hours of generation produced by the supplemental firing. The total carbon produced by the gas consumed in the supplemental firing would be divided by the additional kwh to produce a rate of lbs/kwh for the supplemental firing. This would be consistent with FERC's determination of the efficiency standard for bottoming-cycle units, in 18 CFR §292.205(b).

#### **IV. CONCLUSION**

Bottoming-cycle cogeneration plants cannot be treated comparably with standard generators which devote all of their energy input to generating electricity. They also cannot be treated comparably with topping-cycle cogeneration units which produce both a useful thermal energy output and a power output. The Commission should recognize their unique characteristics, which are comparable to renewable technologies, and deem that they comply with the EPS. In addition, the formula for calculating emissions of generators generally should be clarified for those bottoming-cycle units that use supplemental firing, so that only the emissions attributable to the supplemental firing are



divided by the additional kwhs produced by the supplemental firing to produce an emissions rate.

February 26, 2007

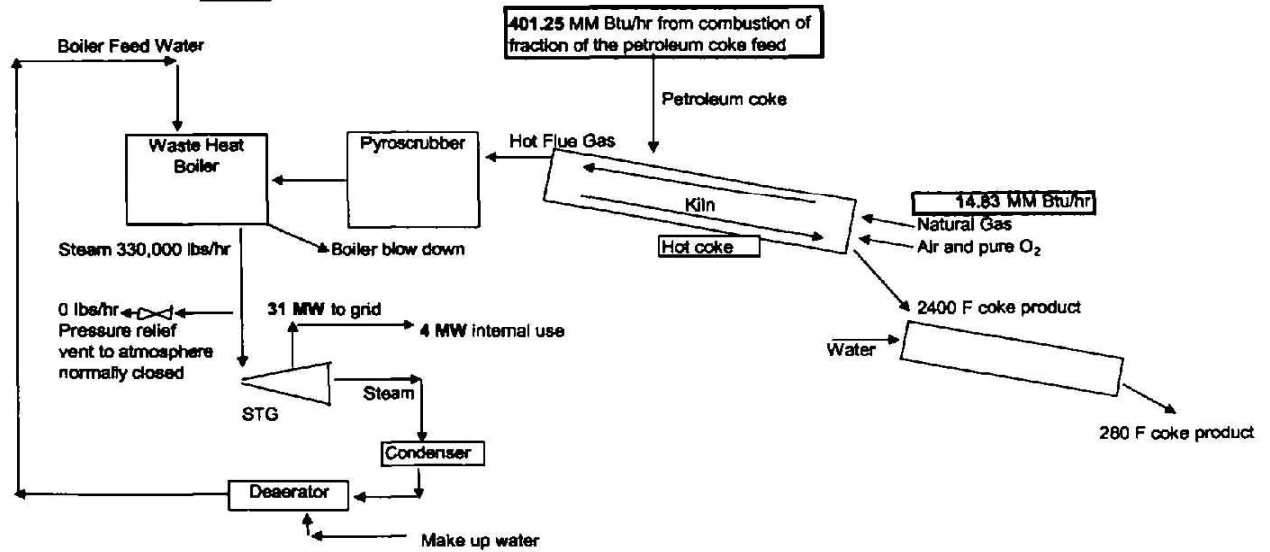
Respectfully submitted,

A handwritten signature in purple ink that reads "Donald Brookhyser". The signature is written in a cursive, flowing style.

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## Exhibit A

### Process Flow and Mass and Heat Balance BP Wilmington Calciner



## Exhibit B

ORIGINAL

FILED  
OFFICE OF THE  
SECRETARY

**NOTICE OF SELF-CERTIFICATION  
OF QUALIFYING FACILITY STATUS FOR  
AN EXISTING COGENERATION FACILITY**

~~2006~~ APR -6 P 3 25

**FERC FORM 556**

FEDERAL ENERGY  
REGULATORY COMMISSION

Pursuant to 18 C.F.R. Section 292.207(a)(1), BP West Coast Products LLC - Wilmington Calciner ("Calciner") hereby provides this notice of self-recertification of its cogeneration facility located in Wilmington, California.

**Part A  
General Information**

QF06-132-000

**1. Applicant Information**

**1a. Full Name:**

BP West Coast Products LLC - Wilmington Calciner

The immediately preceding submittal filed with the Commission in connection with the instant facility ("the Facility") was assigned Docket No. QF93-73-001 and Docket No. ER06-611-000 regarding the name change from Arco CQC Kiln to BP West Coast Products LLC - Wilmington Calciner. The purpose of this instant filing is to self-recertify the Facility as a Qualifying Facility pursuant to 18 CFR Section 292.207(a)(1) and to provide updates since the name change effective January 1, 2002, as provided in this Notice of Self-Recertification.

**1b. Full Address of Applicant:**

The name and address of the applicant are:

BP West Coast Products LLC - Wilmington Calciner  
Attn: Gregory A. Seybert  
Business Manager  
1175 Carrack Avenue  
PO Box 1028  
Wilmington, California 90748  
Telephone: 562-499-3205  
Facsimile: 562-499-3234  
Email: seybga@bp.com

**1c. Owners and Operators of Facility:**

BP West Coast Products LLC - Wilmington Calciner (Calciner) is owned and operated by BP West Coast Products LLC, which is a direct, wholly-owned subsidiary

of BP Products North America Inc., which is a direct, majority-owned subsidiary of BP Company North America Inc., which is a direct, wholly-owned subsidiary of BP Corporation North America Inc., which, in turn, is a direct, wholly-owned subsidiary of BP America Inc., which is a direct, wholly-owned subsidiary of BP p.l.c. (BP). BP is a company organized under the laws of England and Wales with its international headquarters in London, United Kingdom and with affiliate offices in the United States in Chicago, Illinois, among other locations. The assets that make up the Facility consist of equipment and fixtures that are owned by BP West Coast Products LLC. All rights to control the Facility and to receive its stream of benefits reside with BP West Coast Products LLC. BP West Coast Products LLC is not an electric utility company, as defined in section 1262(5) of the Public Utility Holding Company Act of 2005, 42 U.S.C. 16451(5) and 18 CFR Section 366.1, and pursuant to 18 CFR Section 292.602(b), and is not a holding company, as defined in section 1262(8) of the Public Utility Holding Company Act of 2005, 42 U.S.C. 16451(8) and 18 CFR Section 366.1 and 18 CFR Section 292.202(n).

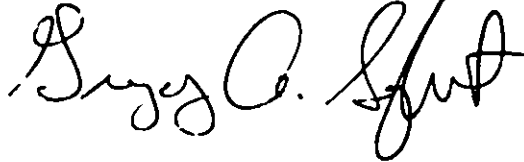
The top level parent company in the United States for BP West Coast Products LLC, BP America Inc., does NOT directly engage in the transmission or the retail distribution of electricity in North America.

However, other BP America Inc. subsidiaries include: 1) entities that own and/or operate other qualifying facilities (besides BP West Coast Products LLC – Wilmington Calciner) at refining, chemical and exploration and production facilities; 2) BP Energy Company, which is engaged in the marketing and trading of natural gas, electricity and other energy-related commodities, but which has no direct ownership or indirect ownership interests in any physical electric generation, transmission or distribution facilities; 3) BP America Production Company, which engages in the exploration and production of natural gas and oil, both onshore and offshore (and although some production facilities have on-site generation facilities that are integral to field operations, they are not interconnected with the grid); 4) BP Canada Energy Company, which owns small power generation facilities in Canada that are integral to gas plant processing facilities; 5) BP Solar International Inc., which manufactures and markets photovoltaic cells and modules and develops solar-powered electric generation facilities; and 6) BP Alternative Energy North America Inc., which will develop renewable and other low carbon power generation projects.

In addition, BP International Limited, a direct, wholly-owned subsidiary of BP, holds a 28 percent interest in Green Mountain Energy Company, which markets electricity to retail customers.

**1d. Signature of authorized individual evidencing accuracy and authenticity of information provided by Applicant:**

Gregory A. Seybert



**2. Person to whom communications regarding the filed information may be addressed:**

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Email: seybga@bp.com

**3a. Location of Facility:**

The Facility is located in Wilmington, California in the County of Los Angeles, and is located within the area operated by the California Independent System Operator (CAISO). The Facility is interconnected with Southern California Edison Company.

**3b. Electric Utility Transactions with the Facility:**

Southern California Edison Company provides supplementary power, backup power, maintenance power and/or interruptible power service.

**4. Description of the Facility**

**4a. Description of Principal Components:**

As stated in the April 5, 1993 Notice of Qualification as a Cogeneration Facility, pursuant to 18 CFR Section 292.201, *et seq.*, the Facility is a bottoming-cycle cogeneration plant. The plant calcines petroleum coke to produce high quality carbon for the manufacture of aluminum and other industrial uses. The petroleum coke is heated on a rotating kiln to drive off moisture and volatile hydrocarbons. The waste heat produced by the burning of volatiles and coke dust is recovered in a

boiler which produces steam. The steam generated by the boiler is utilized by a turbine-generator unit to produce electricity.

**4b. Electric Power Production Capability of the Facility:**

The Facility has a maximum electrical capacity of 35 MWs.

**4c. Actual/Expected Installation / Operation Dates of the Facility:**

12-1982 to present

**4d. Primary Energy Input to Facility:**

The primary fuel or energy source for the Facility is petroleum coke.

**5. Average Annual Hourly Energy Input of Fossil Fuel to the Facility:**

The average annual hourly input energy in Btus is  
416 MM Btu/hr petroleum coke and natural gas combined

**6. Particular Characteristics of the Facility That Bear on Its OF Status:**

None

**Part B**  
**Description of the Small Power Production Facility**  
Not Applicable

**Part C**  
**Description of the Cogeneration Facility**

**9. Description of the Cogeneration Facility**

The Facility is a bottoming-cycle cogeneration plant. The plant calcines petroleum coke to produce high quality carbon for the manufacture of aluminum and other industrial uses. The petroleum coke is heated on a rotating kiln to drive off moisture and volatile hydrocarbons. The waste heat produced by the burning of volatiles and coke dust is recovered in a boiler which produces steam. All the steam generated by the boiler is utilized by a turbine-generator unit to produce electricity.

**10. Input Assumptions: Mass and Heat Balance Cycle Diagram:**

A simplified process flow diagram also containing heat balance (cycle) information depicting average annual hourly operating conditions has been attached hereto as Exhibit \_1\_.

Average net electric output: 31 MW

Average net mechanical output in horsepower: none

Facility operations are based on 7680 hours per year.

Average net steam out: 0 lbs/hr (All the steam produced is used to generate electricity)       

### **11. Operating and Efficiency Values for the Facility**

The efficiency rating of the Facility is calculated as follows:

*Useful Thermal Energy Output* = none pph x        Btu/Lb        Hrs/Year  
= none MMBtu/Year

*Useful Power Output* = 35,000 kW x 3,412 Btu/kW x 7680 Hr/yr.  
= 917,146 MMBtu/Year

*Total Energy Output* = 917,146 MMBtu/Yr +        MMBtu/Yr  
= 917,146 MMBtu/Year

*Total Energy Input* = 14.83 MMBtu/Hr (HHV) x 7680 Hr/Yr (Natural Gas)  
= 401.24 MMBtu/Hr (HHV) x 7680 Hr/Yr (Petroleum Coke)  
= 3,195,404 MMBtu/Yr (HHV)

Based on the above, the efficiency of the Facility is approximately        %.

The useful energy rating (Useful Thermal Energy Output/Total Energy Input) is approximately 28.7 %.

### **12. Thermal Host for Facility**

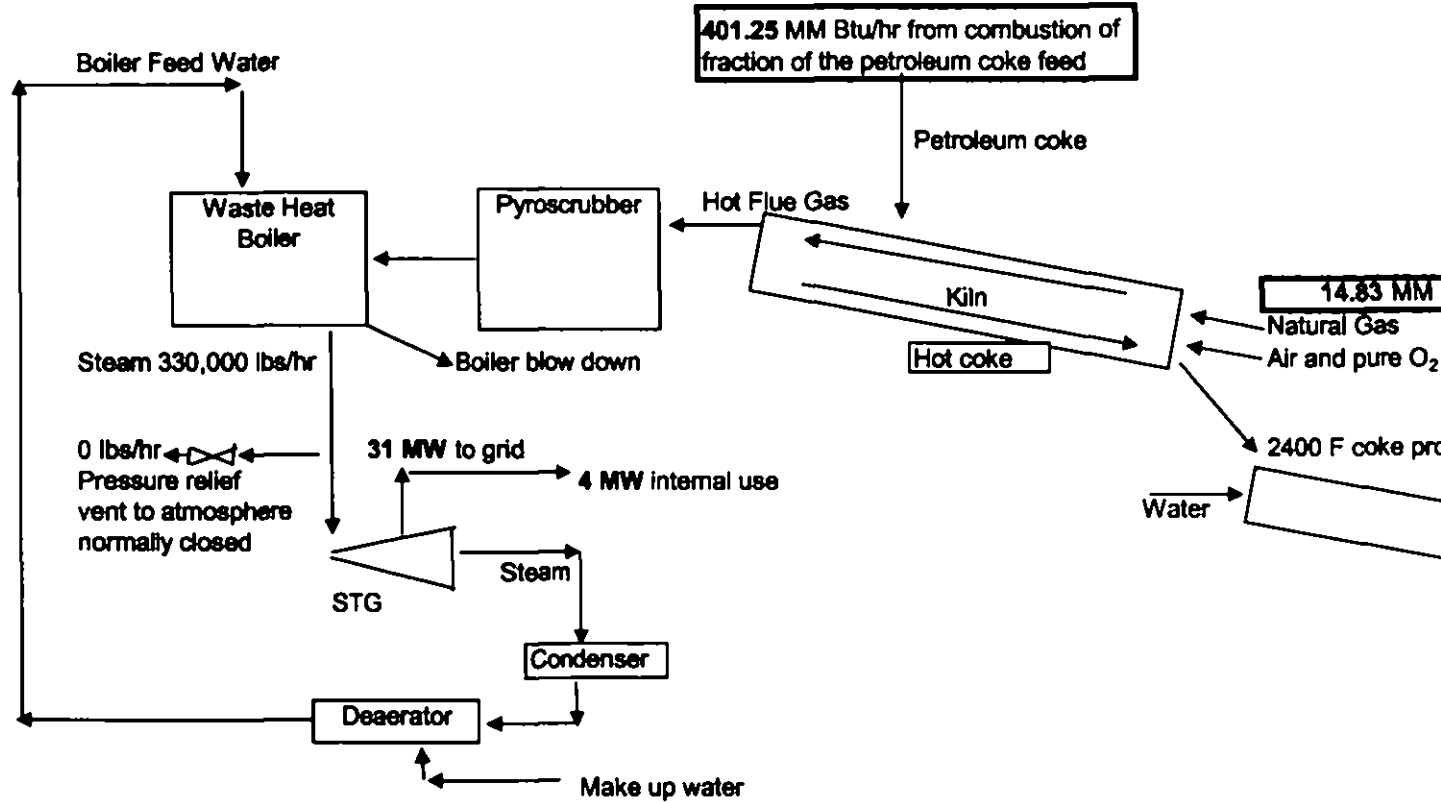
Not applicable

### **Conclusion**

Based on the foregoing, the Facility meets the requirements as a qualifying facility under 18 CFR Section 292.203(b).



Process Flow and Mass and Heat Balance BP Wilmington  
Calcliner



## **CERTIFICATE OF SERVICE**

I, Kari Harteloo, certify that I have caused the APPLICATION FOR REHEARING, OR IN THE ALTERNATIVE, PETITION FOR MODIFICATION OF THE ENERGY PRODUCERS AND USERS COALITION AND THE COGENERATION ASSOCIATION OF CALIFORNIA to be served in accordance with the Commission's rules.

Dated February 26, 2007, at Portland, Oregon.

A handwritten signature in black ink that reads "Kari Harteloo". The signature is written in a cursive style with a long horizontal line extending from the end of the name.

Kari Harteloo

# CALIFORNIA PUBLIC UTILITIES COMMISSION

## Service Lists

**Proceeding: R0604009 - CPUC - PG&E, SDG&E,**  
**Filer: CPUC - PG&E, SDG&E, SOCALGAS, EDISON**  
**List Name: LIST**  
**Last changed: February 21, 2007**

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